

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Thank the Examiner for the indication of allowable subject matter in claims 37-72
3. Editorially amend all claims, including amending the claim preambles to include an article consistent with US practice and deleting (where unnecessary) the word "step".
4. Amend the independent claims to moot the rejections under 35 USC §112, second paragraph (*See, e.g.,* Remarks section B *infra*).
5. Add new claims 73 - 78 (*See, e.g.,* Remarks section B *infra*).

#### **B. THE CLAIM AMENDMENTS AND NEW CLAIMS**

The independent claims 37, 62, 70, and 71 have been amended to omit the "being in agreement with pilot need for..." phrase complained of in enumerated paragraph 2 of the office action. The complained phrase has been replaced by the phrase "a pilot resource configuration suitable for the estimated radio conditions". The "suitable" amendatory limitation is amply supported by the specification including, e.g., the first full paragraph on page 9 which refers to "a number of pilot configurations are provided, which are believed to suit different radio conditions appearing in the cell in question". Moreover, the superfluous word "entire" has been deleted from the independent claims.

New independent node claim 73 corresponds to allowable independent claim 62 but has been written to avoid some means plus function limitations. New dependent claims 74 - 76 depend from new claim 73 and correspond to claims 63, 68, and 69, respectively. In similar manner of avoiding at least some means plus function

limitations, new independent claim 77 corresponds to independent claim 70 and new independent claim 78 corresponds to independent claim 71.

The new claims are deemed allowable for same reasons as are the currently allowable claims.

### C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



/H. Warren Burnam, Jr./

H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100